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FISCAL IMPACT STATEMENT

LS 6619

BILL NUMBER: SB 286

NOTE PREPARED: Apr 3, 2003

BILL AMENDED: Apr 3, 2003

SUBJECT: Sex Offender Registration.

FIRST AUTHOR: Sen. Broden

FIRST SPONSOR: Rep. Dvorak

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (A) It makes it a Class D felony for a registered sex offender to fail to submit a new registration form with the proper law enforcement authority after changing addresses.
- (B) It requires the sex offender web site to be updated at least every seven days.
- (C) It creates the sexual assault standards and certification board. It transfers control of the sexual assault victims account from the state department of health to the commission for women. It repeals the sexual assault victims assistance fund and replaces it with the sexual assault victims account.

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Provision A:* Under current law, failing to register as a sex offender is a Class D felony. The bill would also make it a Class D felony for a sex offender to fail to register a new address. There are no data available to indicate how many sex offenders fail to register new addresses. There was one offender committed to a Department of Correction (DOC) facility for failing to complete a registration in 2001.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Provision C establishes a seven-member Sexual Assault Standards and Certification Board appointed by the Governor, with one member recommended by the Indiana Coalition Against Sexual Assault. Staff for the Board would be provided by the Department of Workforce Development. The Board would develop standards for certification as a sexual assault victim advocate, set fees to cover the costs for the certification process, and adopt rules to implement the section. Additionally, the Board would administer the Sexual Assault Victim's Assistance Account, which is established under the bill. To the extent that the Board will incur expenditures to develop standards, one-time set up costs will be incurred. The ongoing costs of certification will be paid by the fees collected for this purpose. The Board may designate up to 10% of the money appropriated to a nonprofit for program administration and may use up to 10% of the money collected for certification fees to administer the certification program.

Background: Three-year start-up costs for the six-member Indiana Hypnotist Committee were estimated by the Health Professions Bureau at \$85,000. However, there are no data available to indicate that this Board would incur similar start-up costs. Salary per diem is not allowed under the bill, however, mileage reimbursement is permitted.

Explanation of State Revenues: *Provision A:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Provision B: The Sexual Assault Victim's Assistance fee is collected by the county court clerk for violation of listed crimes and forwarded to the Auditor of State for deposit in the Sexual Assault Victim's Assistance Fund. Under the bill, the Fund would be repealed and the revenues from the fee would be deposited in the Sexual Assault Victim's Assistant Account within the state General Fund. Additionally, the Account may receive appropriations, fees for certification, grants, gifts, donations, and interest. The Account would provide financial assistance to rape crisis centers by distributing funds to statewide nonprofit corporations for distribution to rape crisis centers.

Background: The Sexual Assault Victim's Assistance Fund was established by P.L. 280 of 2001 and is administered by the Office of Women's Health within the State Department of Health. Fee revenues deposited in the Fund in FY 2002 totaled \$30,242, and as of November 30, 2002, \$552 had been deposited. No expenditures have been made from the Fund. In August 2002, the Office of Women's Health issued a request for letters of intent to nonprofit organizations pursuing the eradication of sexual assault in Indiana.

Explanation of Local Expenditures: *Provision A:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Provision B: Under the current arrangement, the Sheriffs Association is developing the website for sex offenders and will be capable of updating the website every seven days. The Indiana Sheriffs Association is a 501(c)3 organization which receives its income from membership fees.

Explanation of Local Revenues: *Provision A:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining

a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction; Office of Women's Health, Department of Health; Department of Workforce Development.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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